

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
APRIL 24, 2012

STATE OF TEXAS       §

COUNTY OF TRAVIS   §

**Present:**

Caroline Murphy, Mayor  
Chad Bockius, Council Member  
Bill Goodwin, Council Member  
Jack McCool, Mayor Pro Tem  
Mike Murphy, Council Member

**Absent:**

Bob Dorsett, Jr., Council Member

**City Staff:**

Frank Salvato, City Administrator  
Travis Askey, Deputy City Administrator  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Russell Pancoast, Police Chief  
Giancarlo Patino, Engineer Associate  
Lindsey Withrow, Community Services Director  
Stephen Myrick, Building Official  
Barbara Hathaway, Library Director  
Daeric Graeber, IT

**Call to Order and Announce a Quorum is Present**

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, April 24, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

Teresa Breuggeman, Police Benevolent Foundation President, reported on the Bee Cave annual awards banquet being held at the Star Hill Ranch on May 17<sup>th</sup>.

Michael Kleinman, owner of AusPro Enterprises and Planet K, stated that the Judge ruled that the Council must turn over their emails relating to Planet K. He asked the Council to issue him a certificate of occupancy for the Planet K business.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on April 10, 2012.
- B. Consider approval of the Monthly Finance and Investment Report.
- C. Proclamation recognizing older Americans month.

**MOTION:** A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,  
Goodwin and Murphy  
Voting Nay: None  
Absent: Council Member Dorsett

The motion carried.

**Public hearing, discussion, and possible action on Ordinance No. 110 for the application request by Shops at the Galleria for an amendment to the zoning and concept plan for the Shops at the Galleria Planned Development District – Town Center (Ordinance No. 04-04-13, as amended) to modify the concept plan to accommodate the addition of 1,750 square feet to Building Z (Lot 2, Block B).**

Mayor Murphy called the public hearing to order at 6:07 p.m.

Lindsey Withrow, Community Services Director, reported on this item.

There being no public testimony, the public hearing was closed at 6:09 p.m.

Daniel Myrick, Vice President and General Counsel for Christopher Commercial, Inc., addressed this item.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to adopt Ordinance No. 110 approving the amendment to the zoning and concept plan for the Shops at the Galleria for Building Z.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,  
Goodwin and Murphy  
Voting Nay: None  
Absent: Council Member Dorsett

The motion carried.

**Discuss and consider action on the site plan amendment for Shops at the Galleria, Building Z (Lot 2, Block B).**

**MOTION:** A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve the site plan amendment for Building Z, Lot 2, Block B.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,  
Goodwin and Murphy  
Voting Nay: None  
Absent: Council Member Dorsett

The motion carried.

**Discuss and consider action on a request for a Temporary Event Permit for Spring Fest in the Shops at the Galleria.**

**MOTION:** A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the temporary event permit for Spring Fest in the Shops at the Galleria.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,  
Goodwin and Murphy  
Voting Nay: None  
Absent: Council Member Dorsett

The motion carried.

**Discuss and consider action on bid awards for the City Hall renovations.**

Von Gallagher, President of Gallagher Construction Services, presented this item.

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve the bid awards for the renovation of City Hall as recommended by Mr. Gallagher with the base bid in the amount of \$2,038,111 and alternate #1 in the amount of \$19,707 and alternate # 2 in the amount of \$3,862.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,  
Goodwin and Murphy  
Voting Nay: None  
Absent: Council Member Dorsett

The motion carried.

**Discuss and consider action on a bid award to Asphalt Paving Company of Austin in the amount of \$ 998,777.70 for 2012 street maintenance and improvements.**

Victor Booth of LNV Engineering presented this item.

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve the bid for the 2012 street maintenance from Asphalt Paving Company of Austin in an amount not to exceed \$998,777.70.

Steve Braasch, 14416 Piper Glen and representing the Homeowners Association of Falconhead, encouraged the Council to move forward quickly on the repairs to the streets.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius,  
Goodwin and Murphy  
Voting Nay: None  
Absent: Council Member Dorsett

The motion carried.

**Discuss and consider action on a request for a Temporary Event Permit for Revival including discussion on compliance with Ordinance No. 96, an ordinance issuing a Conditional Use Permit to authorize the retail sale of used merchandise, furniture and antiques for property located at 13308 West Highway 71.**

David Camp, owner of Revival, spoke during this item.

The City Council requested that Mr. Camp meet with the City Staff to work toward getting a conditional use permit applicable to the outdoor storage as long as it does not abut to residential. Screening of the outdoor storage may also be required.

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the temporary event permit for May 11<sup>th</sup> - May 13<sup>th</sup> for Revival.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Goodwin and Murphy
Voting Nay:	None
Absent:	Council Member Dorsett

The motion carried.

**Executive Session**

The City Council closed the Open Session at 7:13 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.

The City Council closed the Executive Session at 7:34 p.m. and reconvened in Regular Session in the Council Chambers.

**Discuss and consider action on a nomination to the Board of Directors of the West Travis County Public Utility Agency.**

No action was taken on this item.

**Discussion on the West Travis County Public Utility Agency effluent storage pond and wastewater treatment facility.**

No action was taken on this item.

**Discuss and consider action on the posting of fiscal security for erosion control at the Backyard at Bee Cave.**

This item was not considered at this meeting.

**Executive Session**

The City Council closed the Open Session at 7:48 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551-074 – Personnel.

B. Personnel – Municipal Court Judge.

The City Council closed the Executive Session at 9:09 p.m. and reconvened in Regular Session in the Council Chambers.

**Adjournment**

**MOTION:** A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Goodwin, and Murphy
Voting Nay:	None
Absent:	Council Member Dorsett

The motion carried.

The City Council adjourned the Regular Session at 9:09 p.m.

PASSED AND APPROVED this 8<sup>th</sup> day of May, 2012.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary

[SEAL]